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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11239 of 2024

Ganeshan,

... Petitioner/ Accused No.3

Vs

The State Rep.by
The Forest Range Officer,
Palani Forest Range,
Dindigul District,
Wlor No.4/2024.
Dindigul District.

... Respondent/ Complainant

For Petitioner : M/s.Thirupathi.R,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Criminal Side)

PRAYER :- To enlarge the petitioner on bail in Connection with Crime No.4/2024 on
the file of respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on
<https://www.mhc.tn.gov.in/judis>

17.06.2024 for the offences punishable under Section 21(d) r/w. Section, 21(2) of



Tamil Nadu Forest Act, 1882 and Sections 2(2), 39, 40(1) (2), 2(A), 44(1), 49-b, 50, 51 (1) of Wild Life (Protection) Act, 1972, in W.L.O.R.No.4 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 cut the ivory and handed over to the petitioner/ A3 for sale. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 17.06.2024 and hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public prosecutor would submit that totally four accused and the petitioner is arrayed as A1 and co-accused-A1 in this case already released on bail. The investigation is almost completed and he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that co-accused was already released on bail and the property was recovered, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palani, Dindigul District.



(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent weekly once ie. on every Saturday at 10.00 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560] and

(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/07/2024

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. The Judicial Magistrate,
Palani,
Dindigul District.
2. Do Through,
The Chief Judicial Magistrate,
Dindigul District.
3. The Forest Range Officer,
Palani Forest Range,
Dindigul District.
4. The Officer in Charge,
Sub Jail, Palani.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



+1CC to M/s.R.Thirupathi,Advocate(SR.No.8313)

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ORDER
IN
CRL OP(MD) No.11239 of 2024
Date :23/07/2024

MGJ(23.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023